

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF NEW YORK

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IRVING M.,

Plaintiff,

v.

3:19-CV-1042  
(ML)

KILOLO KIJAKAZI, Acting  
Commissioner of Social Security,

Defendant.

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APPEARANCES:

LACHMAN, GORTON LAW FIRM  
Counsel for the Plaintiff  
1500 East Main Street  
Endicott, New York 13761

SOCIAL SECURITY ADMINISTRATION  
Counsel for the Defendant  
26 Federal Plaza, Room 3904  
New York, New York 10278

OF COUNSEL:

PETER A. GORTON, ESQ.

SIXTINA FERNANDEZ, ESQ.  
Special Assistant U.S. Attorney

MIROSLAV LOVRIC, United States Magistrate Judge

**DECISION AND ORDER<sup>1</sup>**

Plaintiff Irving M. (“Plaintiff”) commenced this action, pursuant to 42 U.S.C. §§ 405(g) and 1383(c)(3), to challenge a denial by the Commissioner of Social Security (“Commissioner”) denying Plaintiff’s application for Social Security disability and supplemental security income disability benefits. (Dkt. No. 1.) On November 17, 2020, this Court entered judgment that granted in part and denied in part the Commissioner’s decision. (Dkt. No. 20.) More

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<sup>1</sup> This matter is before me based upon consent of the parties, pursuant to 28 U.S.C. § 636(c).


specifically, the Court's Judgment dated November 17, 2020, vacated and reversed the Commissioner's decision denying Plaintiff social security benefits for the time period of September 2, 2013, through November 3, 2016. (*Id.*) Following an appeal from the judgment, by a summary order, the Second Circuit Court of Appeals vacated this Court's judgment and remanded the matter to this Court with an instruction to remand the matter to the Commissioner for further action consistent with that Court's opinion. *Manderville v. Kijakazi*, 21-62, 2022 WL 1013969 (Apr. 5, 2022).

**ACCORDINGLY**, it is

**ORDERED** that the judgment of this Court (Dkt. No. 20) is **VACATED** and the matter is **REMANDED** to the Commissioner for further proceedings consistent with the summary order of the Second Circuit Court of Appeals; and it is further

**ORDERED** that the Clerk of the Court enter judgment consistent with this opinion.

Dated: June 7, 2022  
Syracuse, New York

  
Miroslav Lovric  
U.S. Magistrate Judge